



# Legislative Update: New Laws Affecting Youth Experiencing Homelessness

## New Law: Requires Consideration of Mitigating Factors in School Discipline Decisions



On September 1, 2019, HB 811 went into effect in schools across the state of Texas. When determining whether to suspend, expel, or remove a child to a disciplinary alternative education program, the Education Code requires that educators consider mitigating factors such as whether the behavior was in self-defense or related to a disability. HB 811 now requires all Texas school districts to consider two additional factors that might be contributing to a child's behavior before determining an appropriate behavioral intervention: whether the child is in foster care or experiencing homelessness.

Schools have to specify the guidelines of these special considerations in their official student codes of conduct, and principals and other administrators will have to follow these guidelines and provide plausible justification when resorting to suspension or disciplinary alternative education programs (DAEPs). The law works to ensure that school administrators consider why a child might be misbehaving and help the child in a supportive way, as opposed to punitive measures.

## New Law: Eliminates Out-of-School Suspension for Homeless Students



On September 1, 2019, HB 692 went into effect in schools across the state of Texas. This new law effectively eliminates almost all cases of out-of-school suspension for children who are experiencing homelessness. If a child is homeless and misbehaves, their punishment cannot result in out-of-school suspension, except in a small number of instances.<sup>1</sup> Instead Texas schools must use appropriate alternative behavioral interventions.

Data shows that consequences for misbehavior in school are disproportionately applied to students in Texas. Studies and research show that Black and Latino children are subject to harsher punishments than their other counterparts for the same behavior in the classroom, even though they are not more likely to misbehave. Data shows that homeless children receive more in school and out of school suspensions than their non-homeless peers. Oftentimes, students experiencing homelessness depend on schools for access to food, and giving them out-of-school suspension means cutting off this access and sending them to the streets. Instead, the law requires schools use alternative behavioral interventions and keep kids in school.

## New Law: Waives Fees for Drivers Licenses and Necessary Documents

HB 123 helps youth experiencing homelessness and children in foster care gain easier access to state identification certificates and driver's licenses by eliminating some of the barriers. The new law allows these young people to use a school or shelter as their address so they can receive these documents. It also gives young people experiencing homelessness a fee waiver for the license as well as any identification documents and birth certificates needed to obtain them. Not having identification can be an obstacle to enrolling in school and securing housing and employment.

<sup>1</sup> Children may be given out of school suspension if the behavior involves a prohibited weapon (Texas Penal Code, Section 46.02 and 46.05), assault and sexual assault (Texas Penal Code, Section 22.01, 22.011, 22.02, or 22.021), or certain drugs and alcohol (Texas Education Code, Section 37.005).